



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ६, अंक २]

शुक्रवार, जानेवारी ३१, २०२०/माघ ११, शके १९४१

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक २

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Mah. Ord. II of 2020), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020 (Mah. Ord. II of 2020), published under the authority of the Governor).

CO-OPERATION, MARKETING AND TEXTILES DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 31st January 2020.

MAHARASHTRA ORDINANCE No. II OF 2020.

AN ORDINANCE

*further to amend the Maharashtra Agricultural
Produce Marketing (Development and Regulation) Act, 1963.*

WHEREAS both Houses of the State Legislature are not in session;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend Mah. XX the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, of 1964. 1963, for the purposes hereinafter appearing;

(१)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Agricultural Produce Marketing (Development and Regulation) (Amendment) Ordinance, 2020.

(2) It shall come into force at once.

Amendment of
section 13 of
Mah. XX of
1964.

2. In section 13 of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, sub-section (1C) shall be deleted.

Mah. XX
of 1964.

STATEMENT

The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964) is enacted to develop and regulate the marketing of agricultural and certain other produce in market areas and markets including private markets and farmer consumer markets established therefor in the State, to confer powers upon the Market Committees to be constituted in connection with or acting for purposes connected with such markets.

2. Sub-section (1C) of section 13 of the said Act (as inserted by the Maharashtra Act No. XXXV of 2016) provides for appointment of experts in the field of agriculture, agricultural processing, agricultural marketing, law, economics or commerce as special invitees on the Market Committees. A Circular dated 13th August 2015 is also issued by the State Government specifying qualifications of the persons to be appointed as special invitees.

Appointments of various special invitees made by the Government under the said sub-section (1C) are challenged in the Bombay High Court in several Writ Petitions. In Writ Petition No. 12084 of 2015, the Bombay High Court (Aurangabad Bench), while setting aside the appointments of special invitees, has also suggested the State Government to frame rules and/or comprehensive guidelines to be adhered to, while appointing special invitees under section 13(1C) of the said Act.

3. The Market Committee consist of fifteen agriculturists residing in the market area, two traders and commission agents operating in the market area and one representative of *hamals* and weighmen. Taking into account the composition of the Market Committee of persons from the field of agriculture as well as representatives of traders and commission agents and judgment of the Hon'ble Bombay High Court regarding the process of appointment of special invitees, it is considered expedient to delete sub-section (1C) of section 13 of the said Act.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah. XX of 1964), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated 30th January 2020.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

ANOOP KUMAR,
Principal Secretary to Government.